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November 12, 2010

VIA CM/ECF

The Honorable Peter J. Messitte
United States District Court for the District of Maryland
Greenbelt Division
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Magistrate Judge Charles B. Day
United States District Court for the District of Maryland
Greenbelt Division
6500 Cherrywood Lane
Greenbelt, Maryland 20770

Re: *Beyond Systems, Inc. v. World Avenue USA, LLC, et al.*
Case No. PJM 08 cv 0921
U.S. District Court for Maryland (Southern Division)

Dear Judge Messitte and Magistrate Judge Day:

I represent Defendant World Avenue USA, LLC ("WAUSA") in this matter.

We refer to Plaintiff Beyond Systems, Inc.'s ("BSI") counsel Stephen H. Ring's letter to the Court dated March 18, 2010 and filed on November 5, 2010 requesting that DE 459 (Plaintiff's Motion to Correct Misnomer in Amended Complaint) and DE 480 (Motion for Summary Judgment (Partial) Establishing Defendant World Avenue USA, LLC and TheUseful, LLC as a Single Entity or, in the Alternative, for Entry of an Order of Default against TheUseful, LLC) be set for hearing on November 29, 2010.

Counsel failed to advise the Court that these two Motions are not yet fully briefed. Indeed, WAUSA's Memorandum in Opposition to Motion to Correct is first due today and the Motion for Partial Summary Judgment is due Monday. We have asked BSI for an extension of time to file the Opposition to the Partial Summary Judgment Motion and note that BSI requested and received with our consent three (3) extensions of time at DE 285, 326, and 331 totaling eighteen (18) days to respond to WAUSA's Motion for Summary Judgment. Upon request, we were informed that BSI would only agree to a four (4) day extension.

We would like to be permitted the opportunity to respond to these two Motions. Counsel also neglected to mention the peculiar circumstance that, even if neither party

requested an extension of time to brief these issues, BSI's Reply Memorandum on DE 459 and 480, respectively, would be due *on* the date of the hearing and *after* the hearing.

Finally, counsel neglected to mention the fact that its filings for DE 480 and 459 measure two and three-quarters (2 $\frac{3}{4}$) inches high in paper and consist of a thirty-two (32) page Memorandum and nineteen (19) accompanying exhibits and a thirteen (13) page Memorandum with eighteen (18) exhibits, respectively. Given the complexity of the issues raised therein and the time required for the five (5) motions ([55], [177], [263], [266], and [323]) already set for the three-hour hearing, we do not believe it appropriate to add DE 480 and DE 459 to the hearing.

Although we do not oppose that a hearing in due course occur on DE 480 and 459, we request that the hearing not occur at the expense of WAUSA's rights.

Respectfully Submitted,

/s Sanford M. Saunders, Jr.

Sanford M. Saunders, Jr.

SMS

cc: Nicoleta Burlacu, Esq.
Kenneth A. Horky, Esq.
John L. McManus, Esq.